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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BYFORD "PETER" WHITTINGHAM, an
individual,

Plaintiff,

vs.

THE STATE OF NEVADA, ex. rel. NEVADA
ATTORNEY GENERAL'S OFFICE, a
Subdivision of the State of Nevada; DAVID
O'HARA, an Individual, JANE DOE an
Individual; DOES 1-50; inclusive,

Defendants.

CASE NO. 2:20-cv-00811-GMN-EFY

**STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING TIME TO ANSWER OR
OTHERWISE RESPOND TO THE
PLAINTIFF'S REVISED FIRST AMENDED
COMPLAINT (ECF 49)**

(FIRST REQUEST)

Defendant, NEVADA ATTORNEY GENERAL'S OFFICE and DAVID O'HARA by and
through their attorneys, AARON D. FORD, Attorney General for the State of Nevada, MICHELLE DI
SILVESTRO ALANIS, Supervising Senior Deputy Attorney General, and GERALD L. TAN, Deputy
Attorney General, and Plaintiff, BYFORD "PETER" WHITTINGHAM, by and through his attorneys,
JENNY L. FOLEY, ESQ. and DANA SNIEGOCKI, ESQ. of HKM Employment Attorneys LLP. hereby
stipulate pursuant to LR IA 6-1, LR IA 6-2 to an extension of time for Defendants to respond to the
Revised First Amended Complaint. This is the first request to extend the time to respond to the Revised
First Amended Complaint.

1 On September 22, 2020, United States Magistrate Judge Youchah entered an Order and Report
2 and Recommendation (ECF 31) regarding Plaintiff's Motion for Leave to Amend (ECF 18).

3 Plaintiff filed his First Amended Complaint (FAC) on November 12, 2020 (ECF No. 35).

4 The parties stipulated to stay a response until after an Order from the United State District Court
5 Judge adopting the recommendations of Judge Youchah (ECF No. 36). The stipulation proposed that the
6 Defendant AGO's response be filed 15 days following the Order.

7 On December 7, 2020, United States District Court Judge Navarro entered her Order (ECF 38).

8 On December 21, 2020, the parties entered a second stipulation making Defendant AGO's
9 response due on January 13, 2021.

10 On January 13, 2021, Defendant, AGO file a Motion to Strike (ECF No. 40). On May 12, 2021,
11 Judge Youchah entered an Order granting in part and denying in part Defendant AGO's Motion to Strike
12 (ECF No. 46). The Court ordered Plaintiff to file a Revised First Amended Complaint within 10 days of
13 the Court's Order. The Court further ordered a responsive pleading for Defendant AGO due within 30
14 days of the Court's Order or June 11, 2021. The Court further ordered Defendants' counsel to notify
15 Plaintiff's counsel within 14 days whether they would accept service for Defendant, David O'Hara.

16 On May 18, 2021, Plaintiff filed his Revised First Amended Complaint (RFAC) (ECF No. 49).

17 On May 26, Defendants' counsel notified Plaintiff they would accept service for O'Hara. On June
18 2, 2021, Defendants' counsel accepted service of the Revised First Amended Complaint for David
19 O'Hara (ECF No. 51). Pursuant to the Court's Order O'Hara's response is also due June 11, 2021.

20 Defendants' counsel's current workload, particularly the number of deadlines and matters
21 currently being scheduled for hearing post-pandemic delays has impacted the ability to meet this
22 deadline. Additionally, the Attorney General's Office has new General Counsel, who in her role, would
23 like to review the present litigation and pleadings, including Defendants' Response to the RFAC. As the
24 court is aware the RFAC includes approximately 22 pages of factual allegations and 244 allegations total
25 against the Defendants that require counsel significant time to review and to properly gather information
26 to respond to the RFAC adequately and accurately.

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Therefore, based on the foregoing the parties stipulate and agree through their respective counsel, that this Court grant Defendants an extension of time of two weeks, up to and including June 25, 2021, to file an answer or otherwise respond to Plaintiff's Revised First Amended Complaint. This request is made in good faith and not for purposes of delay.

DATED: June 11, 2021.

DATED: June 11, 2021.

AARON D. FORD
Attorney General

HKM Employment Attorneys. LLP

By: /s/ Michelle Di Silvestro Alanis
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[Permission to sign electronically received in
writing]

ORDER

IT IS SO ORDERED.

DATED this 11th day of June 2021.


ELAYNA YOUCHAH
UNITED STATES MAGISTRATE JUDGE